

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

ANN REYES,

Plaintiff,

v.

GC SERVICES, LP,

Defendant.

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Civil Case No.: 1:11-cv-00142

PLAINTIFF'S COMPLAINT AND DEMAND FOR JURY TRIAL

ANN REYES (Plaintiff), through his attorneys, KROHN & MOSS, LTD., alleges the following against GC SERVICES, LP, (Defendant):

INTRODUCTION

1. Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, *15 U.S.C. 1692 et seq.* (FDCPA).
2. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

JURISDICTION AND VENUE

3. Jurisdiction of this court arises pursuant to *15 U.S.C. 1692k(d)*, which states that such actions may be brought and heard before "any appropriate United States district court without regard to the amount in controversy."
4. Defendant conducts business in the state of New Mexico, and therefore, personal jurisdiction is established.
5. Venue is proper pursuant to *28 U.S.C. 1391(b)(2)*.

PARTIES

6. Plaintiff is a natural person residing in Albuquerque, New Mexico.
7. Plaintiff is a consumer as that term is defined by *15 U.S.C. 1692a(3)*, and according to Defendant, Plaintiff allegedly owes a debt as that term is defined by *15 U.S.C. 1692a(5)*.
8. Defendant is a debt collector as that term is defined by *15 U.S.C. 1692a(6)*, and sought to collect a consumer debt from Plaintiff.
9. Defendant is a limited partnership located in Houston Texas and conducts business across the United States.

FACTUAL ALLEGATIONS

10. Defendant constantly and continuously placed collection calls to Plaintiff seeking and demanding payment for an alleged student loan debt.
11. Defendant called on an almost daily basis, multiple times per day, for a period of months.
12. Defendant called Plaintiff up to six times in a single day.
13. Defendant typically called Plaintiff three to four times per day.
14. Defendant called Plaintiff at her parent's telephone number 505-864-2054 from private phone numbers, and requests return calls to be made to its phone number 877-244-7901.

COUNT I DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT

15. Defendant violated the FDCPA based on the following:
 - a. Defendant violated §1692d of the FDCPA by engaging in conduct the natural consequence of which is to harass, oppress, or abuse the Plaintiff in connection with the collection of a debt; and
 - b. Defendant violated §1692d(5) of the FDCPA when Defendant caused Plaintiff's

telephone to ring repeatedly and continuously with the intent to annoy, abuse, and harass Plaintiff.

WHEREFORE, Plaintiff, ANN REYES, respectfully requests judgment be entered against Defendant, GC SERVICES, LP, for the following:

16. Statutory damages of \$1,000.00 pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*;
17. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*; and
18. Any other relief that this Honorable Court deems appropriate.

RESPECTFULLY SUBMITTED,

Dated: February 11, 2011

By: /s/ Margaret Blonder
Margaret Blonder, Esq.
5021A Guadalupe Trail, NW
Albuquerque, NM 87107
Tel: 505-450-1563
Margaret.blonder@gmail.com

DEMAND FOR JURY TRIAL

PLEASE TAKE NOTICE that Plaintiff, ANN REYES, demands a jury trial in this case.

VERIFICATION OF COMPLAINT AND CERTIFICATION

STATE OF NEW MEXICO

Plaintiff, ANN REYES, states the following:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.
6. Each and every exhibit I have provided to my attorneys which has been attached to this Complaint is a true and correct copy of the original.
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified or fabricated these exhibits, except that some of the attached exhibits may contain some of my own handwritten notations.

Pursuant to 28 U.S.C. § 1746(2), I, ANN REYES, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

12/8/2010
Date


ANN REYES